

FEDERAL REGISTER

VOLUME 4 NUMBER 158

Washington, Thursday, August 17, 1939

Rules, Regulations, Orders

TITLE 7—AGRICULTURE SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939 CROP OF SUGAR BEETS

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

and

Whereas, The Secretary of Agriculture, pursuant to Notices of Hearing dated August 11 and December 20, 1938,¹ held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1939 crop of sugar beets.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.12a *Fair and reasonable prices for the 1939 crop of sugar beets.* The requirements of subsection (d) of Section 301 of the Sugar Act of 1937 shall be deemed to have been fulfilled with respect to the 1939 crop of sugar beets if the producer on the farm shall have paid rates for any sugar beets processed by him equal to those provided in the purchase agreement now made with respect to such crop. (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

¹ 3 F.R. 3065 DI.

Done at Washington, D. C., this 15th day of August, 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3010; Filed, August 16, 1939; 9:13 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZA- TION SERVICE

[General Order No. C-11]

NATURALIZATION OF ALIEN WORLD WAR VETERANS, AND RESTATEMENT OF RULES CITED HEREIN

AUGUST 15, 1939.

Pursuant to the authority contained in Section 3 of the Act of June 21, 1939 (Public—No. 146—Chapter 234—76th Congress), Title 8, Code of the Federal Regulations, Subchapter C—Naturalization Rules and Regulations—Part 76, is amended by adding the following section thereto:

§ 76.40 *World War alien veteran of military or naval forces of the United States.* An alien veteran of the United States military or naval forces of the World War may be naturalized under the Act of June 21, 1939 (Public—No. 146—Chapter 234—76th Congress), if he has the following—

- (a) *Qualifications.* (1) Was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918;
- (2) Is an alien not ineligible to citizenship;
- (3) Was not at any time during the period described in 76.40 (a) (1), or thereafter, separated from such forces under other than honorable conditions;
- (4) Was not a conscientious objector who performed no military duty whatever or refused to wear the uniform; and
- (5) Was not at any time during the period described in 76.40 (a) (1), or thereafter, discharged from the military or naval forces on account of his alienage.

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(b) *Exemptions.* Such alien veteran is entitled to the following exemptions from requirements for naturalization applicable to aliens generally:

(1) No declaration of intention is required;

(2) Proof of the usual five years' residence in the United States and six months' county residence is not required (see 76.40 (c) (5));

(3) No certificate of arrival is required unless applicant's legal admission to the United States for permanent residence occurred subsequent to March 3, 1924 (see 76.40 (c) (6));

(4) Petition may be filed in the most convenient naturalization court without proof of residence within its jurisdiction;

(5) No petition fee is required unless petition is filed in a State court and the laws of such State require a fee, in which case nothing more than the amount required to be paid to the State shall be charged or collected.

(c) *Special proofs and procedure.* Such alien veteran must supply the following special proofs and go through the following procedure:

(1) Applicant must be residing in the United States;

(2) Petition must be filed prior to May 25, 1940;

(3) Applicant and his witnesses must appear before the appropriate representative of the Service and pass preliminary examination previous to filing petition. Certification of such examination shall be made by the examiner, in triplicate, on form 2800; and sworn statement shall be made by the applicant, in triplicate, on form 169. One copy of each of said documents shall be attached to each copy of the petition;

(4) Applicant must produce competent proof of his service under honorable circumstances with military or naval forces;

(5) Applicant is required to prove at least two years' continuous residence within the United States immediately preceding the filing of the petition for naturalization, such residence being established pursuant to legal admission for permanent residence, in lieu of the usual five years' residence in the United States and six months' county residence;

(6) If admission to the United States for permanent residence occurred subsequent to March 3, 1924, a certificate of arrival must be filed with the petition;

(7) Applicant must prove that he has behaved as a person of good moral character during the five years immediately preceding the filing of his petition;

(8) Applicant must appear and file his petition in person;

(9) Residence and good moral character shall be proved either by the affidavits of two credible witnesses who are citizens of the United States or by depositions of two such persons made before a naturalization examiner for each place of residence;

(10) Final action shall not be had upon the petition until at least ninety days have elapsed after the filing of the petition;

(11) Applicant must take the prescribed oath of allegiance in open court.

(d) *World War alien veterans serving in United States military or naval forces outside the United States.* Any World War alien veteran of the United States military or naval forces who was lawfully admitted to the United States for permanent residence and who departed from the United States for the purpose of serving, and actually served in either such military or naval forces prior to November 11, 1918, and was discharged from such service under honorable circumstances, is entitled to the benefits of

76.40 (a), (b), and (c). However, before such alien is admitted to citizenship he shall—

(1) Satisfy the court in which his petition is filed, by competent proof, that he is entitled to and has complied in all respects with the provisions of the said Act of June 21, 1939; and

(2) That he was and had been a bona fide lawfully admitted resident in the United States for two years before the passage of the said Act.

(Said Section 76.40 is Rule 7, Subdivision D, paragraph 8 of the Naturalization Rules and Regulations of December 1, 1936, as amended.)

Rule 3, Subdivision D, paragraph 1 of the Naturalization Rules and Regulations of December 1, 1936, has been codified as two sections of the aforesaid Subchapter C, namely, 72.6 and 72.7. The first portion of that paragraph constitutes Section 72.6, which reads as follows:

§ 72.6 *Amendment of form for declaration of intention.* The official form for declaration of intention shall be altered by the clerk of court, where the declaration of intention is executed by an applicant who is not required by law to obtain a certificate of arrival, by striking out the following words immediately after the jurat: "Certification No. ----- from the Commissioner of Immigration and Naturalization showing the lawful entry of the declarant for permanent residence on the date stated above, has been received by me."*† (Sec. 27, 34 Stat. 603; 8 U.S.C. 409) [3-D-1]

The remaining portion of said Rule 3, Subdivision D, paragraph 1, as amended for the administration of the said Act of June 21, 1939, constitutes Section 72.7 of the aforesaid Subchapter C, which reads as follows:

§ 72.7 *Amendment of form for petition for naturalization.* The official form for petition for naturalization shall be altered by the clerk of court in any case according to the facts, as follows:

(a) *Exemption from declaration of intention.* Where a declaration of intention is not required to be filed with the clerk of court at the filing of the petition, strike out the following: All of allegation 4; in the first paragraph after allegation 10 strike out the words "my declaration of intention to become a citizen of the United States,"; and in the certification following the jurat strike out the words "together with declaration of intention No. ----- of such petitioner".

(b) *Exemption from certificate of arrival.* Where the certificate of arrival is not required to be filed with the petition, strike out the following: In allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in the first paragraph after allegation 10 the words "certificate from the Department of Labor of my said arrival,"; and in the certification following the jurat the words "certificate of arrival

No. ----- from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with".

(c) *Exemption from declaration of intention and certificate of arrival.* Where the declaration of intention and certificate of arrival are not required to be filed with the clerk of court at the filing of the petition, strike out the following: All of allegation 4; in allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States, certificate from the Department of Labor of my said arrival, and"; and the entire certification following the jurat.

(d) *Exemption from residence in United States and county.* Where residence in the United States and county or proof thereof is not required, in allegation 9 strike out the words "for the term of five years at least immediately preceding the date of this petition, to wit," and, "being a residence within said county of at least six months next preceding the date of this petition".

(e) *Residence for five years not required.* Where proof of less than five years' residence in the United States is required, in allegation 9 strike out the word "five" and the words ", being a residence within said county of at least six months next preceding the date of this petition." Insert in lieu of the word "five" the period of United States residence required by law.

(f) *Physically unable to speak.* Where the petition is executed by an applicant who is physically unable to speak, in allegation 8 strike out the word "able" and insert the words "physically unable."

(g) *Alien spouse of citizen—(1) Woman married after noon May 24, 1934; (2) Man married after September 21, 1922.* Where petition is executed by an alien woman who married a citizen of the United States after 12 noon (E. S. T.), May 24, 1934, or whose husband was naturalized after that time, or an alien man who married a citizen of the United States on or after September 22, 1922, or whose wife was naturalized on or after that date—Strike out all of allegation 4. Insert in allegation 5 "my [husband] [wife] is a United States citizen by [birth] [naturalization];" also insert the date and court, if naturalized. Insert in allegation 9 the word "three" in lieu of "five" and strike out from said allegation the words "being a residence within said county of at least six months next preceding the date of this petition." In the space immediately preceding allegation 10, insert the words "petition filed under section 2 of the Act of September 22, 1922, as amended." In the first paragraph after allegation 10, strike out the words "my declaration of intention to become a citizen of the United

States." In certificate following the jurat, strike out the words "together with declaration of intention No. ----- of such petitioner."

(h) *Alien woman married to citizen between September 21, 1922, and noon May 24, 1934.* Where petition is executed by an alien woman who married a citizen of the United States on or after September 22, 1922, and before 12 noon (E. S. T.), May 24, 1934, or whose husband was naturalized within that period—Strike out all of allegation 4. Insert in allegation 5, "my husband is a United States citizen by [birth] [naturalization];"

also insert the date and court, if naturalized. Insert in allegation 9 the word "one" in lieu of "five" and strike out from said allegation the words "being a residence within said county of at least six months next preceding the date of this petition." In the space immediately preceding allegation 10, insert the words "petition filed under section 2 of the Act of September 22, 1922." In the first paragraph after allegation 10, strike out the words "my declaration of intention to become a citizen of the United States." In the certificate following the jurat, strike the words "together with declaration of intention No. ----- of such petitioner."

(i) *Woman who lost citizenship by marriage to eligible alien.* Where a petition is filed by a woman under section 4 of the Act of September 22, 1922 (42 Stat. 1022; 8 U.S.C. 369), as amended, strike out the following: All of allegation 4; in allegation 6 the words "for permanent residence" and "as shown by the certificate of my arrival attached hereto"; in allegation 7 the words ", and it is my intention to reside permanently in the United States"; in allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit", and ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States, certificate from the Department of Labor of my said arrival, and"; in the Affidavits of Witnesses the words "and that to his personal knowledge the petitioner has resided in the United States continuously preceding the date of filing this petition, of which this affidavit is a part, to wit, since the date last mentioned, and at -----, in the County of ----- this State, in which the above-entitled petition is made, continuously since -----"; and the entire certification following the jurat. Insert the following: In the space preceding allegation 10 "Petition filed under section 4, Act of September 22, 1922, as amended."; in the last blank space contained in the second paragraph after allegation 10 "I have not acquired any other nationality by affirmative act."

(j) *Widow or child of deceased declarant.* Where petition is executed by a

widow or child of a deceased alien declarant, who, prior to 12 noon (E. S. T.), May 24, 1934, had the right or privilege of petitioning for naturalization under what was the sixth subdivision of section 4 of the Act of June 29, 1906 (34 Stat. 598; 8 U.S.C. 375), in allegation 4 strike out the words "I declared my" and in lieu insert "My husband declared his" or "My father declared his," and insert at the end of the allegation, "and died on ----- (date)." In the space immediately preceding allegation 10 insert the words "Petition filed under sixth subdivision, section 4, Act of June 29, 1906, as amended."

(k) *Filipino.* Where petition is executed by a Filipino under the seventh subdivision of section 4, Act of June 29, 1906, as amended (40 Stat. 542, 45 Stat. 1514, 47 Stat. 165; 8 U.S.C. 388), strike out the following: In allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "certificate from the Department of Labor of my said arrival," and in the certification following the jurat the words "certificate of arrival No. ----- from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with". In the space immediately preceding allegation 10 insert the words "Petition filed under 7th subd., Sec. 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(l) *Persons misinformed as to citizenship.* Where petition is filed by an applicant under the tenth subdivision of section 4, Act of June 29, 1906 (40 Stat. 545; 8 U.S.C. 377), strike out the following: All of allegation 4; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States", and in the certification following the jurat the words "together with declaration of intention No. ----- of such petitioner,". In the space immediately preceding allegation 10 insert the words "Petition filed under tenth subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 146 is attached hereto and made a part hereof."

(m) *Native of United States naturalized abroad before March 3, 1931.* Where petition is filed by an applicant under section 3, Act of March 3, 1931 (46 Stat. 1511; 8 U.S.C. 372a) in allegation 9 strike out the words "for the term of five years at least", in the space immediately preceding allegation 10 insert the following: "Petition filed under section 3, Act of March 3, 1931."

(n) *Army service prior to January 1, 1900; honorably discharged alien.* Where petition is executed under R. S. 2166 (See 40 Stat. 547; 8 U.S.C. 395),

by an applicant who prior to January 1, 1900, served in the United States Army and was honorably discharged therefrom, strike out the following: All of allegation 4; in allegation 9 the words "five years" and the words "being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States,"; and in the certification following the jurat the words "together with declaration of intention No. _____ of such petitioner,". Insert the following: In allegation 9 the words "one year" in lieu of the words "five years"; and in the space immediately preceding allegation 10, "Petition filed under R. S., Sec. 2166. Affidavit on Form 169 is attached hereto and made a part hereof."

(c) *Service in Army, Navy, Philippine Constabulary or on American vessels.* Where petition is executed under the seventh subdivision of section 4 of the Act of June 29, 1906, as amended (40 Stat. 542, 45 Stat. 1514, 47 Stat. 165; 8 U.S.C. 388) by an applicant, other than a Filipino, who for the time and in the manner provided by said seventh subdivision, served in the military or naval forces of the United States, or on any vessel of the United States Government, or on vessels of more than 20 tons' burden, which are not foreign vessels, whether or not documented under the laws of the United States and whether public or private, strike out the following: In allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words "being a residence within said county of at least six months next preceding the date of this petition." In the case of honorable discharge after service in the United States Army or Navy or the Philippine Constabulary and acceptance for service in either the military or naval service of the United States on the condition that applicant becomes a citizen, strike out only the following: In allegation 9 the word "five" and the words "being a residence within said county of at least six months next preceding the date of this petition", and insert the word "three" in lieu of the word "five". In either of these two classes of cases, in the space immediately preceding allegation 10 insert the words "Petition filed under seventh subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(p) *Persons in Army or Navy at termination of World War or honorably discharged for disability incurred prior thereto.* Where petition is executed under the thirteenth subdivision of section 4, Act of June 29, 1906, as amended (40 Stat. 546; 8 U.S.C. 391), by an applicant who was in military or naval service of the United States at the termination of the World War, or, who before the termination of such war, was honorably

discharged from such service on account of disability incurred in line of duty, strike out the following: In allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words "being a residence within said county of at least six months next preceding the date of this petition." In the space preceding allegation 10 insert the words "Petition filed under thirteenth subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(q) *World War alien veteran of military or naval forces of the United States.* Where petition is executed by an alien veteran of the military or naval forces of the United States under the Act of June 21, 1939 (Public No. 146—Chapter 234—76th Congress), and whose arrival in the United States occurred after March 3, 1924, strike out the following: All of allegation 4; in allegation 9 the word "five" and the words "being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States," and in the certification following the jurat the words "together with declaration of intention No. _____ of such petitioner,". Insert the following: In allegation 9 the word "two" in lieu of the word "five"; and in the space immediately preceding allegation 10 the words "Petition filed under Act June 21, 1939. Affidavit on Form 169 is attached hereto and made a part hereof." If the arrival of the applicant occurred on or before March 3, 1924, make the following additional amendments: In the first paragraph after allegation 10 strike out the words "certificate from the Department of Labor of my said arrival," and the remainder of the certification following the jurat. (Sec. 27, 34 Stat. 603; 8 U.S.C. 409)

[SEAL] JAMES L. HOUGHTLING,
*Commissioner of Immigration
and Naturalization.*

Approved,
GERARD D. REILLY,
Acting Secretary.

[F. R. Doc. 39-3019; Filed, August 16, 1939;
11:00 a. m.]

[General Order No. C-12]

FEE TO BE CHARGED UNDER ACT OF MAY
16, 1938

AUGUST 15, 1939.

Pursuant to the authority contained in Section 28 of the Act of June 29, 1906 (34 Stat. 606), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515; 8 U.S.C. 356), Section 4 of General Order No. C-5, dated October 15, 1938 (3 F.R. 2499 D.I.), is amended to read as follows:

§ 4 *Fee to be charged.* For execution of sworn declaration of allegiance

(Form 2236) and issuance of certificate of naturalization, the clerk of court shall exact and collect a fee of \$5 and shall account therefor in the same manner as for the fee collected for filing a petition for citizenship and issuing a certificate of naturalization. (Sec. 13 Act of June 29, 1906, 34 Stat. 600; U.S.C., Title 8, Sec. 402, as amended by Sec. 1 Act of April 19, 1934, 48 Stat. 597)

[SEAL] EDW. J. SHAUGHNESSY,
*Deputy Commissioner of
Immigration and Naturalization.*

Approved,
GERARD D. REILLY,
Acting Secretary.

[F. R. Doc. 39-3020; Filed, August 16, 1939;
11:00 a. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Amendment 23, Civil Air Regulations]

CREATING A METHOD FOR CERTIFICATION OF FOREIGN PILOTS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 15th day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a), and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective August 15, 1939, the Civil Air Regulations are amended by adding a new section, 20.69, reading as follows:

"§ 20.69 *Qualified foreign pilots.* (a) An applicant for a private pilot certificate, upon a satisfactory showing to the Authority that he is a member of a military or naval service of a foreign country on flying status, or is the holder of a pilot certificate of competency issued by a foreign country, the privileges of which are not less than those of a private pilot, may be deemed by the Authority to have met the requirements prescribed in this Part for a private pilot certificate.

"(b) The privileges and restrictions prescribed for persons issued private pilot certificates under the provisions of section 20.12 shall not apply to persons issued private pilot certificates under the provisions of this section.

"(c) Any person issued a private pilot certificate under the provisions of this section, before being eligible to pilot civil aircraft of the United States, shall offer proof satisfactory to an inspector of the Authority that he is the duly authorized representative of a foreign person or nation contemplating the purchase of aircraft manufactured in the United States,

or that he is the duly authorized representative of the competent aeronautical authorities of the foreign nation in which such aircraft will be registered, and such private pilot shall not pilot any civil aircraft of the United States except aircraft which a foreign person or nation contemplates purchasing, and then only in accordance with such terms and conditions as the Authority may prescribe."

By the Authority.

[SEAL]

ROBERT R. REINING,
Acting Secretary.

[F. R. Doc. 39-2026; Filed, August 16, 1939;
12:27 p. m.]

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-203]

PART 402—LOAN SERVICE

USE OF SPECIAL DEPOSITS ACCOUNT IN INSURANCE CASES

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.14-1 and 402.14-2 are amended to read as follows:

§ 402.14-1 Whenever a home owner desires to establish a Special Deposits Account to accumulate funds for the payment of taxes, assessments, other levies or charges, ground rents or insurance premiums, he shall be referred to the Loan Service Division.

Special Deposits Account arrangements for the payment of insurance premiums ordinarily should be limited to instances where the home owner is otherwise unable to accumulate funds for the payment of insurance premiums making it necessary for the Corporation to make advances therefor, or in unusual cases where the Regional Manager considers it in the best interests of the Corporation.

In order to establish a Special Deposit Account to provide for the payment of taxes, assessments, other levies or charges, ground rents or insurance premiums, the home owner shall be requested to execute Form 533 or other approved form. Where the Special Deposits Account is established only for taxes or insurance premiums, Form 533 should be executed in quadruplicate; in instances where it covers both taxes and insurance premiums, Form 533 should be executed in quintuplicate.

§ 402.14-2. One copy of Form 533 shall be left with the home owner. On the reverse side of the original and the remaining copies, the Service Representative shall enter his analysis of the account and show the allocation to be made to the Special Deposits Account. In instances where the Special Deposits Account provides for the payment of insurance premiums, the Service Representative should include in Block III an

estimate of the amount of insurance premiums accruing annually. This amount should be added to the amount of taxes coming due annually in order to indicate the total amount to be accumulated in the Special Deposits Account annually. One-twelfth of this total should appear in the last line to indicate the amount to be allocated to the Special Deposit Account monthly. In these cases, the Service Representative should also request the home owner to inform him of the name and address of his insurance agent, which should be entered on the lower part of the reverse side of Form 533.

In connection with the establishment of a Special Deposits Account, it is important that the Service Representative explain to the home owner the monthly billing showing the status of the loan account and the Special Deposits Account, as well as the manner in which subsequent insurance will be placed.

In cases within his authority where the Special Deposits Agreement, Form 533, is accepted by the Control Supervisor, he shall complete Block VI on the reverse side of the form. In cases beyond his authority the Control Supervisor shall forward the Form 533 and all other servicing reports to the Analysis and Review Section. If this section accepts the Form 533, they shall complete Block VI. After acceptance the Control Supervisor shall forward the original copy of Form 533 to the Regional Accountant, one copy shall be sent to the Tax Section (or if for insurance premiums only, to the Regional Insurance Supervisor), and one copy retained by the Control Section. In cases where the Special Deposits arrangement covers both taxes and insurance premiums, the remaining copy shall be forwarded to the Regional Insurance Supervisor.

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-3006; Filed, August 15, 1939;
1:12 p. m.]

[Administrative Order No. 522]

PART 405—RECONDITIONING

ADVANCES FOR REPAIRS, RECONDITIONING OR IMPROVEMENTS: AUTHORITY OF REGIONAL MANAGER; REGIONAL COUNSEL CERTIFIES; APPROVAL OF AMOUNT BY HOME OFFICE

Amending Part 405 of Chapter IV, Title 24, of the Code of Federal Regulations,

Section 405.02-8, the first paragraph of Section 405.02-9, and Section 405.02-11, respectively, are amended to read as follows (Effective August 15, 1939):

§ 405.02-8 Where an advance for repairs, reconditioning, or improvements has been requested by the borrower, the Regional Manager, based upon the disclosed facts and respective recommendations of the State Officials, may, subject to the conditions herein provided, authorize the making of advances in the following cases:

(a) Where the estimated cost of necessary repairs and emergency repairs does not exceed \$1000.00; or

(b) Where the estimated cost of income-producing reconditioning or the paving of streets and sidewalks and the installation of sewers and similar improvements does not exceed \$500.00.

Such advances shall not be directed or authorized unless:

(1) Title examination is not required or is waived as hereinafter provided, or

(2) No liens are disclosed where title examination is required, or

(3) The borrower effects subordination or discharge of liens disclosed which would have priority over the advance, excepting liens for taxes and assessments.

§ 405.02-9 When the estimated cost of repairs, reconditioning, or improvements does not exceed \$300.00, title examination shall not be required. When the estimated cost exceeds \$300.00, title examination shall be required, except where the Regional Counsel waives title examination and certifies as his opinion that the advance will be secured as a lien under the Corporation's original mortgage priming encumbrances, except taxes and assessments, which intervened or may intervene between the date of the Corporation's original mortgage and the date of the additional lien to be obtained. Regional Counsel shall prescribe on Form R-7AB (529-A), or other officially approved form: (a) certification of his opinion, in appropriate cases over \$300.00, as to waiving title examination; (b) the approved forms of debt and lien instruments to be executed by the borrower; (c) whether the applicable instruments shall be recorded; (d) other necessary or appropriate legal advice.

§ 405.02-11 In any case where the estimated cost of repairs, reconditioning, or improvements exceeds the Regional Manager's authority to authorize such advance, the case shall be forwarded by the Regional Manager to the General Manager who, with the concurring approval of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, and with the advice of the General Counsel, may authorize an advance for such repairs, reconditioning, or improvements. When forwarding the file, the Regional Manager shall include his recommendations, together with the opinion and recommendation of the Regional Counsel re-

garding title examination and forms of security instruments to be taken and the recordation thereof.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-3007; Filed, August 15, 1939;
1:14 p. m.]

[Administrative Order No. 521]

PART 405—RECONDITIONING

CONTRACT WITH BORROWER TO PERFORM LABOR; BORROWER PROVIDES LABOR; COMPLETION; DEFAULT

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 405.02-15 is amended by adding the following paragraphs at the end thereof (Effective August 15, 1939):

When an advance for necessary repairs or other reconditioning has been approved in accordance with the regulations of the Corporation, and the borrower requests permission to provide the labor in connection therewith, the Reconditioning Supervisor shall investigate and determine as to the qualifications and reliability of the person who is to perform the labor; and make recommendations to the State Manager. If the State Manager determines to permit the borrower to provide the labor, he may, on behalf of the Corporation, enter into a contract with the borrower on a form approved for the purpose. The borrower should, where practicable, be required to submit in advance bids, in accordance with the requirements of the regulations, for all materials.

The reconditioning work shall be performed under the supervision of the Reconditioning Section. When the work has been completed to the satisfaction of the Reconditioning Section, and the borrower has satisfactorily complied with the provisions and covenants contained in the contract, the bills for materials and all costs other than labor shall be paid in compliance with the regular procedure for reconditioning; and the Reconditioning Section, through the State Manager, shall notify the Regional Accountant on Form R-18 of the amount of the unexpended portion of the advance which shall be credited to the borrower's account. The total cost of labor and materials shall not exceed the advance authorized. The Regional or State Manager, with the advice of the Regional or State Counsel, may, in his discretion

when the circumstances justify, authorize payment of material bills prior to the final completion of the work.

In the event the borrower fails or refuses to complete the reconditioning, he shall contract with persons acceptable to the Corporation to perform the remainder of the labor, which shall be paid for by the borrower from his personal funds, or when approved by the Regional or State Manager, from funds available in the advance; or the Regional or State Manager may contract with suitable persons to complete the work under such terms and conditions as the Regional or State Manager, with the advice of the Regional or State Counsel, shall deem to be for the best interest of the Corporation.

When any funds from the advance are used to pay for any portion of the labor, only the unexpended portion of the advance shall be credited to the borrower's account.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-3008; Filed, August 15, 1939;
1:14 p. m.]

[Administrative Order No. 931]

PART 409—AUDITING

SPECIAL DEPOSIT CASES

Amending Part 409 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 409.02-3 is amended by adding the following paragraph at the end thereof:

When, in compliance with the provisions of Sections 402.14-1 and 402.14-2 and through the use of Form 533, the borrower will deposit monies for the payment of insurance premiums, and the Insurance Section receives a copy of Form 533, such form will be placed in the insurance policy jacket. When the expiration occurs, the order for insurance will be placed in the usual manner and the name of the agent specified by the borrower will be indicated thereon as to the borrower's choice. No such insurance will be placed directly with the agent either by the borrower or the Corporation, but will be ordered through an appropriate insurer under contract. (Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board

acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-3009; Filed, August 15, 1939;
1:15 p. m.]

TITLE 45—PUBLIC WELFARE

FEDERAL WORKS AGENCY—WORK PROJECTS ADMINISTRATION

[General Letter No. 280]

POLITICAL ACTIVITY

The Emergency Relief Appropriation Act of 1939, Public Resolution Number 24, 76th Congress, approved June 30, 1939, contains the following provisions:

Sec. 29 (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

Sec. 30 (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

Sec. 30 (b) Except as may be required by the provisions of subsection (b) of section 31 hereof, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

Public Resolution No. 24, in sections 29 (b) and 30 (c) provides the following penalty for any person found guilty of violating the above quoted sections:

Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The Division of Investigation of this Administration will be responsible for the investigation of all complaints or information alleging a violation of the above quoted sections of Public Resolution Number 24. State Work Projects Administrators are directed to forward all complaints and information indicating a possible violation of these sections to the Director, Division of Investigation, Work Projects Administration, Washington, D. C., for appropriate attention. In transmitting such complaints or infor-

mation to the Division of Investigation, where a WPA employee is alleged to be involved, the State Administrator will include in his letter of transmittal the name, address, WPA title and WPA employment record of the person charged with the violation of these provisions of Public Resolution Number 24.

Public Resolution Number 24, 76th Congress, in section 31 (a) and 31 (b) provides that:

SEC. 31 (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

SEC. 31 (b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The term "administrative or supervisory capacity" as used in section 31 (a) is interpreted to include persons paid on administrative or project pay rolls, who have actual supervision over any other employee or employees or who are in such positions that by reason thereof they may exercise authority or influence over other employees irrespective of whether they have actual supervision over the work of any employees.

Any person in an administrative or supervisory capacity who violates the provisions of section 31 (a) shall be subject to immediate discharge and thereafter such person shall not be eligible for any employment which is compensated from funds appropriated to the Work Projects Administration. Where alleged violations of section 31 (a) of Public Resolution Number 24 are investigated by the State Administrator, a copy of the report of each administrative investigation, together with a report on the administrative action taken as a result of the findings of each investigation, shall be forwarded to the Deputy Commissioner, Work Projects Administration, Washington, D. C., immediately upon completion of the inquiry.

Section 32 of Public Resolution Number 24, provides as follows:

SEC. 32. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

To carry out rules and regulations relating to political activity and to effect compliance with the provisions of the Emergency Relief Appropriation Act of 1939 and of Public Resolution Number 24, 76th Congress, no person employed by the Work Projects Administration in an administrative or supervisory capacity, as defined above, shall be retained in such employment if:

(1) Such person is a candidate for any Federal, state, district, county or municipal office in any primary, general or special election or who is serving as a campaign manager or assistant thereto for any such candidate.

(2) Such person is holding an elective office the duties of which would necessitate being absent from a WPA position during regular working hours or to which a salary, per diem, or other compensation is attached, provided that under no circumstances shall such person hold any public office through which such person would be involved in political management or political campaigns.

(3) Such person is a member of a party committee or organization, the duties of which are concerned with political management or political campaigns.

The policy of the Work Projects Administration concerning the exercise of the voting franchise by WPA employees remains as follows:

Every citizen who works for the Work Projects Administration, whatever his job, has a right to vote in any election, for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, scheduled hours of work may be adjusted to provide the necessary time for this purpose. Employees shall not be paid for time allowed during which to vote, but they shall be permitted insofar as practicable through a rescheduling of working hours to work their full quota of hours during the payroll month for which the time off is granted.

Section 28 of Public Resolution Number 24, provides as follows:

SEC. 28. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, and 1938,

shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The regulations prescribed by this General Letter shall be effective immediately and State Administrators are directed to take such action as may be required to effect compliance with these provisions. In order that these regulations shall be known by all WPA employees and by other persons, the State Work Projects Administrators shall arrange to have copies posted on bulletin boards at the site of every project and at all administrative offices throughout the state.

This letter supersedes and rescinds General Letter No. 240 dated March 7, 1939,¹ as to actions occurring after June 30, 1939.

[SEAL]

F. C. HARRINGTON,
Commissioner.

AUGUST 4, 1939.

[F. R. Doc. 39-3011; Filed, August 16, 1939; 9:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Present: Joseph B. Eastman, Chairman, Interstate Commerce Commission, to whom the above-entitled matter has been assigned for action thereon.

Upon further consideration of the record and of petition of Independent Movers' & Warehousemen's Association, Inc., for postponement of the effective date of the order entered herein by division 5 on July 17, 1939;² and good cause therefor appearing;

It is ordered, That the effective date of the first ordering paragraph of the said order of July 17, 1939, be, and it is hereby, postponed from September 20, 1939 to October 23, 1939.

And it is further ordered, That the tariffs specified in said order of July 17, 1939, shall be filed and published to become effective on or before October 23, 1939, upon statutory notice.

Dated at Washington, D. C., this 9th day of August, A. D. 1939.

By the Commission, Chairman Eastman.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-3021; Filed, August 16, 1939; 11:08 a. m.]

¹ 4 F.R. 1352 DI.

² 4 F.R. 3403 DI.

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

HAWAII

AUGUST 16, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Territorial Farm Security Advisory Committee for Hawaii, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Kauai.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3023; Filed, August 16, 1939; 11:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

AMENDING ADMINISTRATIVE ORDER NUMBER 4¹ BY APPOINTING GUSTAV PECK IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL HANDICAPPED WORKER'S CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Paul Sifton, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Gustav Peck as an authorized representative of the Administrator of the Wage and Hour Division, with full power and authority to grant or deny applications for special handicapped worker's certificates, and to sign and issue special certificates authorizing the employment of handicapped persons pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 524 (Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act of 1938).²

Signed at Washington, D. C., this 16th day of August, 1939.

PAUL SIFTON,
Acting Administrator.

[F. R. Doc. 39-3017; Filed, August 16, 1939; 10:50 a. m.]

AMENDING ADMINISTRATIVE ORDER NUMBER 28¹ BY APPOINTING GUSTAV PECK IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Paul Sifton, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Gustav Peck as an authorized representative of the Administrator of the Wage and Hour Division, with full power and authority to grant or deny applications for special certificates for the employment of learners, and to sign and issue special certificates authorizing the employment of learners pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 522 (Regulations Applicable to Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act of 1938).²

Signed at Washington, D. C., this 16th day of August, 1939.

PAUL SIFTON,
Acting Administrator.

[F. R. Doc. 39-3018; Filed, August 16, 1939; 10:50 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of August, 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3833]

IN THE MATTER OF RICHARD E. WILLIAMS, WALTER C. PHILLIPS, STEVE W. PHILLIPS, WARREN LEE EASTMAN, ERNIE A. STORESUND, DON PARMALIEE, A. L. ANDERSON, G. G. GRANT, W. W. YOUNG, PAUL MANNING, F. W. FITCH, MRS. F. W. FITCH, L. W. FITCH, MRS. L. W. FITCH, G. W. FITCH, MRS. G. W. FITCH, L. R. SANDAHL, MRS. L. R. SANDAHL, R. H. YOUNG, AND MRS. R. H. YOUNG

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and

he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, August 25, 1939, at ten o'clock in the forenoon of that day (central standard time), in Room 216, Post Office Building, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

—[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3022; Filed, August 16, 1939; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1939.

[File No. 34-31]

IN THE MATTER OF WILLIAM W. BATTLES, CHAIRMAN, FRANCIS M. BROOKE, AND FRANCIS BRAUN, REORGANIZATION COMMITTEE FOR SECURITY HOLDERS OF NATIONAL PUBLIC UTILITIES CORPORATION; CALEB S. LAYTON AND W. FINDLAY DOWNS, TRUSTEES OF NATIONAL PUBLIC UTILITIES CORPORATION

ORDER APPROVING PLAN OF REORGANIZATION

William W. Battles, Chairman, Francis M. Brooke, and Francis Braun, as a Reorganization Committee (hereinafter called the "Committee"), for security holders of National Public Utilities Corporation (hereinafter called "National"), a registered holding company, having filed an application under Section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-11F-1 for approval of a plan of reorganization of National, together with an application with respect to such reorganization pursuant to Rule U-12E-3 (e) (4) thereof; and

Caleb S. Layton and W. Findlay Downs, as Trustees of National, having filed an application for exemption from the provisions of Section 13 (a) of the Act; and

Joint hearings having been held on the said applications after appropriate notice;¹ the Commission having considered the record in these matters, and having made and filed its findings herein;

It is ordered, That the said Plan of Reorganization of National be and the

¹ 3 F.R. 2777 DI.

² 4 F.R. 1663 DI.

¹ 4 F.R. 2503 DI.

² 4 F.R. 2088 DI.

¹ 4 F.R. 2371 DI.

same hereby is approved; that the said application of the Committee pursuant to Rule U-11F-1 be and the same hereby is granted; that the said application of the Trustees pursuant to Section 13 (a) be and the same hereby is granted; and that the said application of the Committee for permission to solicit the deposit of securities without a report pursuant to Rule U-12E-3 (e) (4) be and the same hereby is denied; subject, however, to the following terms and conditions:

(1) That the consummation of the Plan be effected in substantial compliance with the terms and conditions of and for the purposes represented by said filings and applications, as amended;

(2) That, pursuant to Rule U-11F-1 (e), the Commission reserves jurisdiction to consider any amendments modifying the Plan or any other amendments filed subsequent to the approval herein granted;

(3) That the form of the instruments to be used to evidence such solicitation of deposits of securities be subject to our approval prior to any such solicitation;

(4) That all fees, expenses, and remuneration, whether interim or final, to whomsoever paid, for services rendered in connection with the reorganization proceedings of National, shall be subject to approval by the Commission, except that this condition shall not apply to the payment of any such fees, expenses or remuneration if the total amount claimed for fees, expenses and remuneration by or on behalf of any one person or group of associated persons is not in excess of \$7,500, this exception, however, not to apply to any claim for interim payment.

(5) That the exemption granted the Trustees under Section 13 (a) be limited to a period not to exceed 90 days from the date of the entry of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3012; Filed, August 16, 1939;
10:46 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1939.

[File No. 34-31]

IN THE MATTER OF WILLIAM W. BATTLES, CHAIRMAN, FRANCIS M. BROOKE, AND FRANCIS BRAUN, REORGANIZATION COMMITTEE FOR SECURITY HOLDERS OF NATIONAL PUBLIC UTILITIES CORPORATION

ORDER ADOPTING REPORT OF THE COMMISSION

William W. Battles, Chairman, Francis M. Brooke, and Francis Braun, as a Reorganization Committee (hereinafter called the "Committee"), for security

holders of National Public Utilities Corporation (hereinafter called "National"), a registered holding company, having submitted for approval under Section 11 (f) of the Public Utility Holding Company Act of 1935, a Plan of Reorganization with reference to National; and

A hearing having been held on the said Plan of Reorganization after appropriate notice;¹ the Commission having considered the record in this matter, and having made and filed herein its report on said Plan of Reorganization, said report being in the form of the copy thereof attached to this order;²

It is ordered, That the said report on said Plan of Reorganization be and the same hereby is approved and adopted as the report made by the Commission on said Plan of Reorganization and as the form of copy of said report to be used by the Committee in solicitations in respect of said Plan of Reorganization.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3013; Filed, August 16, 1939;
10:46 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August 1939.

[File Nos. 7-407 to 7-423, inclusive]

IN THE MATTER OF APPLICATIONS BY THE CLEVELAND STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO ADDRESSOGRAPH-MULTIGRAPH CORPORATION COMMON STOCK, \$10 PAR VALUE; BOND STORES, INCORPORATED COMMON STOCK, \$1 PAR VALUE; CLEVELAND GRAPHITE BRONZE COMPANY COMMON STOCK, \$1 PAR VALUE; FIRESTONE TIRE & RUBBER COMPANY COMMON STOCK, \$10 PAR VALUE; GENERAL ELECTRIC COMPANY COMMON STOCK, NO PAR VALUE; GLIDEN COMPANY COMMON STOCK, NO PAR VALUE; INDUSTRIAL RAYON CORPORATION CAPITAL STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION COMMON STOCK, NO PAR VALUE; GLENN L. MARTIN COMPANY COMMON STOCK, \$1 PAR VALUE; NATIONAL MALLEABLE & STEEL CASTINGS COMPANY COMMON STOCK, NO PAR VALUE; NEW YORK CENTRAL RAILROAD COMPANY CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION COMMON STOCK, NO PAR VALUE; TIMKEN ROLLER BEARING COMPANY COMMON STOCK, NO PAR VALUE; TWIN COACH COMPANY COMMON STOCK, \$1 PAR VALUE; UNITED STATES STEEL

CORPORATION COMMON STOCK, NO PAR VALUE; YOUNGSTOWN STEEL DOOR COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING

The Cleveland Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, September 19, 1939 at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener and Dan T. Moore, or either of them, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3015; Filed, August 16, 1939;
10:46 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1939.

[File No. 32-161]

IN THE MATTER OF TIDEWATER ELECTRIC SERVICE COMPANY

ORDER EXEMPTING ISSUE AND SALE OF FIRST MORTGAGE NOTE

Tidewater Electric Service Company, a subsidiary company of Virginia East Coast Utilities, Inc. and of East Coast Public Service Company, a registered holding company, having filed with this Commission an application, pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of a First Mortgage Note in the maximum principal amount of \$72,000 to

¹ 4 F.R. 2371 DI.

² Filed as a part of the original document; requests for copies should be addressed to the Securities and Exchange Commission.

bear interest at the rate of 2.73%, said note to be issued to the United States of America to evidence a loan from the Rural Electrification Administration; said applicant having also applied, pursuant to Section 12 (f) of said Act and Rule U-12F-2 promulgated thereunder, for approval of the lease of its utility assets to Virginia East Coast Utilities, Inc.;

A public hearing having been held on such matters after appropriate notice;¹ the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That the issue and sale of said First Mortgage Note be and the same hereby are exempted from the provisions of Section 6 (a) of said Act and that the disposition by lease of said utility assets be and the same hereby is approved, subject however to the condition that, within ten days after the issue and sale of the First Mortgage Note and the lease of utility assets shall have been consummated, applicant shall file a certificate of notification to that effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3014; Filed, August 16, 1939;
10:46 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1939.

[File No. 44-38]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on September 1, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under

section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 26, 1939.

The matter concerned herewith is in regard to an application by Washington and Suburban Companies, a registered holding company, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of a partial liquidating dividend on its preferred shares of beneficial interest, such dividends to be paid out of capital and in part from the proceeds derived from the sale of 362,588 shares of common stock of Washington Gas Light Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3016; Filed, August 16, 1939;
10:47 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August 1939.

[File No. 1-1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER POSTPONING HEARING

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

The Commission having ordered¹ that a hearing be held in this matter on August 16, 1939, in Denver, Colorado; and

The issuer having requested a postponement of said hearing;

It is ordered, That said hearing be postponed until 2:00 P. M., on Thursday, August 24, 1939 at the office of the Securities & Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing; and

¹ 4 F.R. 3427 DI.

It is further ordered, That Henry Pitts, an officer of the Commission, be and he hereby is designated as the officer of the Commission to preside at such hearing, in lieu of the officer heretofore designated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3025; Filed, August 16, 1939;
12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1939.

[File No. 43-242]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

Declarations and applications pursuant to sections 7, 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on September 1st, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 26th, 1939.

The matter concerned herewith is in regard to (1) A declaration by Southwestern Development Company (hereinafter called Southwestern), a registered holding company, regarding the issue and sale to Guaranty Trust Company of New York City (hereinafter called Guaranty), of two notes as follows:

¹ 4 F.R. 3436 DI.

(a) A 3% collateral note in the principal amount of \$2,921,784.46 to be dated August 1, 1939 to mature in annual installments on July 1, 1940 through July 1, 1944, in substitution and exchange for its presently outstanding 3½% collateral note in the same principal amount, now held by Guaranty.

(b) A 3% collateral note in the principal amount of \$4,962,484.46 to be dated on or before January 2, 1940, to mature in annual installments beginning July 1, 1940 through July 1, 1945, to retire and discharge the above-mentioned note and to obtain funds to pay off and redeem \$2,040,300 of Southwestern's presently outstanding unsecured 4% dividend notes, issued to its stockholders on December 24, 1937, in payment of a dividend theretofore declared.

(2) An application by Southwestern for approval of the sale to West Texas Gas Company of \$3,150,000 principal amount of South Plains Pipe Line Company First Mortgage and Collateral Trust 6% Bonds (assumed by West Texas Gas Company), now held by Guaranty as security for Southwestern's outstand-

ing 4% collateral note in the principal amount of \$2,751,340.

(3) An application by West Texas Gas Company, a subsidiary of Southwestern, for approval of the acquisition of the above-mentioned First Mortgage and Collateral Trust Bonds.

(4) A declaration by West Texas Gas Company, a subsidiary of Southwestern, regarding (a) the issue and sale, to Guaranty, of its 3% collateral note in the principal amount of \$3,150,000 maturing in semi-annual installments on January 2 and July 1 in the years 1940 through 1944, and upon January 1, 1945, to obtain funds to purchase the above-mentioned First Mortgage and Collateral Trust Bonds and (b) the exercise of a right or privilege to alter the rights, priorities or preferences of security holders by the execution of a Second Supplemental Indenture for the purpose of reducing the interest on the First Mortgage and Collateral Trust Bonds to 3% per annum and of reducing sinking fund payments.

(5) A declaration by Amarillo Gas Company, a subsidiary of Southwestern,

regarding the issue and sale to Guaranty of its 3% collateral note in the principal amount of \$270,000, maturing in annual installments commencing July 1, 1940, ending July 1, 1944, in substitution and exchange for its presently outstanding 4% collateral note in the same principal amount and now held by Guaranty.

(6) An application by Amarillo Gas Company for approval of the acquisition from Panhandle Pipe Line Company, an associate company of Amarillo Gas Company and subsidiary of Southwestern, of a 3% note in the principal amount of \$135,000 to be dated August 1, 1939, to mature in four installments of \$25,000 each, payable on July 1 of each of the years 1940, 1941, 1942, 1943 and \$35,000 payable July 1, 1944, in substitution and exchange for Panhandle's presently outstanding 4% collateral note pledged by Amarillo Gas Company with Guaranty to secure its outstanding \$270,000 note.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3024; Filed, August 16, 1939; 12:11 p. m.]

